

Notice of Determination

Form C

To: ☒ Office of Planning and Research

From:

Public Agency

For U.S. Mail:

Street Address:

P.O. Box 3044

1400 Tenth Street

Sacramento, CA 95812-3044
Sacramento, CA 95814

Agency: California Fish and Game Commission

Address: 1416 Ninth Street

Sacramento, CA 95814

Contact: Jon Fischer

Telephone: (916) 653-4899

☐ County Clerk

County of: _____

Address: _____

SUBJECT: Filing of Notice of Determination in Compliance with Section 21108 or 21152 of the Public Resources Code

State Clearinghouse Number (if submitted to State Clearinghouse): 2010071012

Project Title: California Marine Life Protection Act South Coast Study Region (South Coast Marine Protected Areas Project)

Project Location (include county): The study region consists of state waters between Point Conception, Santa Barbara County and the US/Mexico border, San Diego County, including the Channel Islands.

Project Description: On December 15, 2010, the California Fish and Game Commission (Commission) certified the Final Environmental Impact Report (FEIR; State Clearinghouse #2010071012) for marine protected areas (MPAs) in state waters within the southern California coastal region and adopted a regulatory package implementing those MPAs.

The Marine Life Protection Act (MLPA) south coast study region, extending from Point Conception (Santa Barbara County) to the U.S.-Mexico border (San Diego County), is the third of five regions in the state to undergo the MLPA planning process. Passed by the California State Legislature in 1999, the MLPA directs the state to redesign its system of MPAs to function as a more cohesive and effective network to protect marine life and habitat.

Rather than designing and implementing regulations for a MPA network for the entire state at one time, the MLPA planning and implementation process has been broken down into a series of independent regional processes across five geographically defined study regions. Once implemented, the south coast MPAs will join the MPAs currently in place for the central and north central coast study regions, to form a network ranging from the California border with Mexico, to Alder Creek near Point Arena in Mendocino County. The Commission will receive recommendations for the north coast study region (the fourth study region) from the north coast Blue Ribbon Task Force in February 2011, which will mark the start of the formal regulatory process. The public process for San Francisco Bay, the fifth and final study region, has not yet begun.

The adoption of MPAs in the south coast study region is the culmination of a two-year planning process which began in July 2008, and included more than 50 days of meetings with formal public comment held for a 64-member Regional Stakeholder Group (RSG), a Science Advisory Team, and a Blue Ribbon Task Force (BRTF), with the BRTF appointed by the Secretary of the California Natural Resources Agency. In December 2009, the BRTF forwarded their integrated preferred alternative (IPA) and all RSG proposals to the Commission. Per the direction of the Commission, the California Department of Fish and Game (Department) prepared the regulatory package – including requirements outlined by the California Environmental Quality Act – using the IPA as their preferred alternative. Greater than 12,000 written public comments were submitted through the regulatory and environmental review processes to help inform recommendations on south coast region MPAs.

The FEIR was adopted and certified by the Commission on December 15, 2010. The Fish and Game Commission found that the FEIR for the Southern California MPAs: 1) has been completed in compliance with CEQA; 2) was presented to the Commission and the Commission has reviewed and considered the information contained in the final environmental document prior to approving the project; and 3) the certified environmental document provides that there are no significant adverse environmental impacts. The commission found on the basis of facts on the record, and the environmental document, that the proposed project and alternatives will have no significant adverse impacts. Copies of the FEIR are available for review at select Department offices, public libraries, and on the Department's website at http://www.dfg.ca.gov/mlpa/finalimpact_sc.asp.

At their December 15, 2010 meeting, the Commission adopted regulations that comply with the MLPA's mandate by revising the boundaries, designations, and allowed uses within MPAs in the south coast study region. The regulatory package adopted by the Commission consists of changes, deletions and additions to regulations governing permissible activities within marine protected areas along the southern California coast. These MPA regulations are codified within Title 14 Cal. Code Regs. §632. The regulatory package adopted by the Commission includes the following:

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- The addition of 17 new MPAs [Point Conception State Marine Reserve (SMR), Kashtayit State Marine Conservation Area (SMCA), Naples SMCA, Campus Point SMCA, Begg Rock (San Nicholas Island Quad) SMR, Point Dume SMCA, Point Dume SMR, Point Vicente SMCA, Bird Rock (Catalina Island) SMCA, Long Point (Catalina Island) SMR, Casino Point (Catalina Island) SMCA, Farnsworth Offshore (Catalina Island) SMCA, Cat Harbor (Catalina Island) SMCA, Famosa Slough SMCA, South La Jolla SMR, South La Jolla SMCA, and Tijuana River Mouth SMCA].
- Modifications to existing MPAs resulting in the adoption of 19 MPAs [Goleta Slough SMCA, Abalone Cove SMCA, Bolsa Bay SMCA, Bolsa Chica Basin SMCA, Farnsworth Onshore (Catalina Island) SMCA, Lover's Cove (Catalina Island) SMCA, Arrow Point to Lion Head Point (Catalina Island) SMCA, Blue Cavern (Catalina Island) SMCA, Upper Newport Bay SMCA, Crystal Cove SMCA, Laguna Beach SMR, Laguna Beach SMCA, Dana Point SMCA, Batiquitos Lagoon SMCA, San Elijo Lagoon SMCA, Swami's SMCA, San Diego-Scripps Coastal SMCA, Matlahuayl SMR, and Cabrillo SMR].
- The removal of seven existing MPAs as a result of the adopted regulations (Refugio SMCA, Big Sycamore Canyon SMR, Point Fermin State Marine Park (SMP), Doheny Beach SMCA, Doheny SMCA, Agua Hedionda Lagoon SMR, and San Dieguito Lagoon SMP).

The Department will be responsible for implementing the MLPA program, which will include enforcement, education, and monitoring and research activities. The south coast MPA regulations are anticipated to go into effect in mid-2011 after appropriate filings with the Office of Administrative Law and the Secretary of State.

For a complete description of the specific MPA regulations adopted during the Commission's December 15, 2010 meeting, please see the amended Initial Statement of Reasons for Regulatory Action

(http://www.dfg.ca.gov/mlpa/pdfs/southcoast_amended_isor.pdf) and the associated decision scorecard of regulatory options adopted by the Commission (<http://www.dfg.ca.gov/mlpa/pdfs/scmpas121510scorecard.pdf>). A map of the adopted MPAs is also available at www.dfg.ca.gov/mlpa/pdfs/scmpas121510.pdf.

For further information, please contact Mr. Thomas at tnapoli@dfg.ca.gov, or, (562) 342-7164.

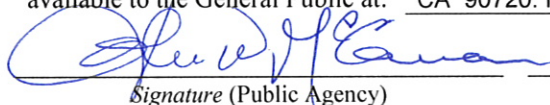
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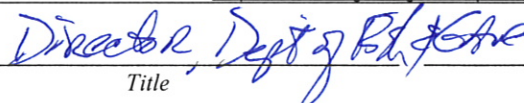
California Fish and Game Commission

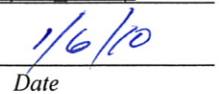
☒ **Lead Agency** or ☐ **Responsible Agency** has approved the above-described project on December 15, 2010 and has made the following determinations regarding the above-described project:

1. The project ☐ **will** ☒ **will not** have a significant effect on the environment.
2. ☒ An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
☐ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures ☐ **were** ☒ **were not** made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan ☐ **was** ☒ **was not** adopted for this project.
5. A Statement of Overriding Considerations ☐ **was** ☒ **was not** adopted for this project.
6. Findings ☒ **were** ☐ **were not** made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the Negative Declaration, is available to the General Public at: Department of Fish and Game Marine Region, 4665 Lampson Ave., Suite C Los Alamitos, CA 90720. It is also available on line at http://www.dfg.ca.gov/mlpa/finalimpact_sc.asp


Signature (Public Agency)


Title


Date

Date received for filing at OPR: _____

Authority cited: Sections 21083 and 21087, Public Resources Code. Reference: Sections 21000–21174, Public Resources Code.